

Serial No. 10/034,409  
Response dated December 12, 2005  
Reply to Office Action of August 12, 2005

Attorney Docket No. PF02246NA

### REMARKS/ARGUMENTS

Claims 1 through 30 remain in this application. Claims 1, 6, 8, 10, 15, 19, 24 and 26 have been amended.

Claims 6, 8, 15, 24 and 26 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 6, 8, 15, 24 and 26 are hereby amended to indicate a particular status of a user, namely a nearby status, which is described at page 9, lines 11 through 13, of the specification. Reconsideration and withdrawal of the 35 U.S.C. §112, second paragraph, rejection of claims 6, 8, 15, 24 and 26 are respectfully requested.

Claims 1 through 28 and 30 are rejected under 35 U.S.C. §103(a) as being unpatentable over WO 01/65,807 A2 to Waesterlid ("Waesterlid publication") in view of U.S. Patent Application Publication No. US 2002/0045457 A1 to Taniguchi ("Taniguchi publication"). Claim 29 is rejected under 35 U.S.C. §103(a) as being unpatentable over the Waesterlid publication in view of the Taniguchi publication and U.S. Patent No. 6,157,378 A to Bormann, et al. ("Bormann, et al. patent").

Claim 1 as amended provides, *inter alia*, transmitting the status information associated with one of the plurality of logon identifiers, unavailable to participate in real-time communication, to a second subscriber, the second subscriber having a contact list including the one of the plurality of logon identifiers. Claim 10 as amended provides, *inter alia*, transmitting the status information associated with one of the plurality of logon identifiers, unavailable to participate in real-time communication, to a second subscriber, the second subscriber having a

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contact list including the one of the plurality of logon identifiers. Claim 19 as amended provides, *inter alia*, a third routine that directs the controller to transmit the status information associated with one of the plurality of logon identifiers, unavailable to participate in real-time communication, to a second subscriber, the second subscriber having a contact list including the one of the plurality of logon identifiers. Thus, claims 1, 10 and 19 as amended are directed to a plurality of users (each associated with a logon identifier) utilizing a single device, in which status information of one or more unavailable users is transmitted to another subscriber. As shown in FIG. 4 and described at page 11 of the specification, examples of status information of an unavailable logon identifier or user may include off-line, busy, away, on the phone, out to lunch or nearby.

As stated at the middle of page 3 of the above Office Action, the Waesterlid publication does not teach the plurality of users utilizing a single device.

The Taniguchi publication describes a shared use telephone in which the telephone memory is partitioned for storage of multiple user personal information. When a user logs onto the phone, that particular user's information is copied to RAM and becomes the active information of the phone until that user logs off. The information of the currently logged-on user is available, but the phone is not capable of providing status of any other user who is not logged in. Likewise, the Waesterlid publication and the Bormann, et al. patent do not describe or suggest a phone, utilized by a plurality of users, that provides status of user who are not logged on to the phone. Thus, the Waesterlid publication, the Taniguchi publication and the Bormann, et al. patent, individually or in combination, do not describe or suggest a plurality of users

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utilizing a *single device*, in which status information of one or more *unavailable users* is transmitted to another subscriber, as required by claims 1, 10 and 19 as amended. Therefore, claims 1, 10 and 19 as amended distinguish patentably from the Waesterlid publication, the Taniguchi publication, the Bormann, et al. patent and any combination of these references.

Claims 2 through 9, 11 through 18, 20 through 30 depend from and include all limitations of independent claims 1, 10 and 19 as amended. Therefore, claims 2 through 9, 11 through 18, 20 through 30 distinguish patentably from the Waesterlid publication, the Taniguchi publication, Bormann, et al. patent and any combination of these references for the reasons stated above for claims 1, 10 and 19.

Claims 6, 8, 16, 24 and 26 as amended further distinguish from the cited references. In particular, claims 6, 8, 16, 24 and 26 provide, *inter alia*, status information indicating "nearby". The Waesterlid publication, the Taniguchi publication and the Bormann, et al. patent, individually or in combination, do not describe or suggest a plurality of users utilizing a status of "nearby" for a single device, as required by claims 6, 8, 16, 24 and 26 as amended. Therefore, claims 6, 8, 16, 24 and 26 as amended further distinguish patentably from the Waesterlid publication, the Taniguchi publication, the Bormann, et al. patent and any combination of these references.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §103(a) rejections of claims 1 through 30 are respectfully requested.

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### CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,  
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